

Application No. 10/596,300
Amendment dated September 16, 2008
Reply to Office Action dated June 25, 2008

REMARKS

Claims 7-13 are pending. Claim 13 has been added. No claims have been allowed.

Applicants have amended the specification to include a cross-reference to PCT International Application Serial No. PCT/EP2004/013921, of which the present application is the U.S. national stage per 35 U.S.C. §371. Applicants have also added a new paragraph following paragraph [0006], which is a consistory clause corresponding to the amended independent claim that was presented in the foregoing PCT application responsive to the International Preliminary Report on Patentability. No new matter has been added.

Responsive to the Examiner's objection regarding Claim 10, Applicants have amended same to delete the word "lugs" and to replace same with --inner tongues-- to provide antecedent basis.

The Examiner rejected Claims 7-9, 11 and 12 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,204,666 to Hullman et al. ("Hullman et al. '666").

The Examiner also rejected Claim 7 under 35 U.S.C. 103(a) as being obvious over Hullman et al. '666 in view of U.S. Patent No. 5,256,018 to Rattman et al. ("Rattman et al. '018"). With respect to this rejection, Applicants respectfully submit that the Examiner incorrectly referred to Claim 7 instead of Claim 10.

Hullman et al. '666 discloses a fixing clamp, which generally includes anchoring part 1 and threaded plate 5. Anchoring part 1 includes a pair of side walls 2 connected by transverse wall 3, and a pair of locating strips 4 extending outwardly perpendicular to side walls 2. As shown in Fig. 4, transverse wall 3 includes a hole (unnumbered). Side walls 2 include fingers 13 arranged diagonally opposite one another as best shown in Fig. 3, which fingers 13 also appear in Figs. 1 and 5 and can potentially obscure the view of edge strips 7 of expanding tabs 6 that are formed within side walls 2 of anchoring part 1. In use, threaded plate 5 is received between side walls 2 of anchoring part 1 and, as shown in Figs. 5 and 6, when a screw 17 is threaded through threaded plate 5, screw 17 draws threaded plate 5 downwardly, or toward the head of screw 17, to engage edge strips 7 of expanding tabs 6 and to bend tabs 6 outwardly, as shown in between Figs. 5 and 6, thereby anchoring the anchoring part 1 behind support plate 12 of a wall.

Independent Claim 7 calls for a device for connecting a support element to an add-on piece, including, *inter alia*,

a generally U-shaped plug-in element having two parallel legs, a connecting region connecting the two parallel legs, the connecting region having an abutment region;

an inner element disposed between the two legs, the inner element having two edge webs parallel to the two parallel legs, each edge web having a counter lug disposed outwardly of and at an angle to its associated edge web; and

a fastener threadedly disposed in a threaded region of the inner element, the fastener having an end adapted to contact the abutment region whereby when the fastener is threaded into the threaded region, the fastener end engages the abutment region and causes the inner element to move in a direction parallel to the parallel legs and away from the plug-in element until the counter lugs bear against the support element thereby securing the support element to the add-on piece.

Referring to Figs. 1 and 3 of the present application, it may be seen that the foregoing claimed device includes a generally U-shaped plug-in element 1 having two parallel legs 4 and 5, a connecting region 2 connecting the two parallel legs 4 and 5, the connecting region 2 having an abutment region 3; an inner element 12 disposed between the two legs 4 and 5, the inner element 12 having two edge webs 16 and 17 parallel to the two parallel legs 4 and 5, each edge web 16 and 17 having a counter lug 22 or 23 disposed outwardly of and at an angle to its associated edge web 16 or 17; and a fastener 31 threadedly disposed in a threaded region 14 of the inner element 12, the fastener 31 having an end adapted to contact the abutment region 3 whereby when the fastener 31 is threaded into the threaded region 14, the fastener end engages the abutment region 3 and causes the inner element 12 to move in a direction parallel to the parallel legs 4 and 5 and

away from the plug-in element 1 until the counter lugs 22 and 23 bear against the support element 27 thereby securing the support element 27 to the add-on piece.

Applicants respectfully submit that independent Claim 7 is not anticipated by Hullman et al. '666 for at least the following reasons.

First, Hullman et al. '666 fails to disclose a device including a U-shaped plug-in element, together with an inner element including two edge webs each having a counter lug disposed outwardly of, and at an angle to, its associated edge web.

Referring to Figs. 1 and 3 of the present application, it may be seen that the claimed device includes plug-in element 1, together with inner element 12 having two edge webs 16 and 17, each edge web 16 and 17 having a counter lug 22 or 23 disposed outwardly of, and at an angle to, its associated edge web 16 or 17.

By contrast, in the device of Hullman et al. '666, threaded plate 5, which is received within the U-shaped anchoring element 1, lacks two edge webs each having a counter lug disposed outwardly of, and at an angle to, its associated edge web, but rather includes a pair of straight offset wall parts 9 which, as best shown in Fig. 3, are disposed parallel to the side walls 8 of threaded plate 5. The edge strips 7 of expanding tabs 6 of the device of Hullman et al. '666, which are bent outwardly as shown in Figs. 5 and 6 in the operation of the device, are located on the anchoring part 1, not on the threaded plate 5.

Additionally, Hullman et al. '666 fails to disclose a device including a generally U-shaped plug-in element having a connecting region with an abutment region, as well as an inner element, together with a fastener which, when threaded into a threaded region of the inner element, engages the abutment region of the plug-in element to cause the inner element to move in a direction parallel to the plug-in element.

Referring to Figs. 1 and 3 of the present application, it may be seen that when fastener 31 is threaded into threaded region 14 of the inner element 12, fastener 31 engages the abutment region 3 of the plug-in element 1 to cause the inner element 12 to move in a direction parallel to the plug-in element 1.

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By contrast, in the device of Hullman et al. '666, anchoring part 1 includes transverse wall 3 which, as shown in Fig. 4, includes a hole (unnumbered), and therefore cannot be engaged by the end of screw 17. In any event, as shown in Figs. 5 and 6 of Hullman et al. '666, the end of screw 17 does not contact transverse wall 3 to cause threaded plate 5 to move. Rather, upon rotation of screw 17, threaded plate 5 is threaded downwardly on the threads of screw 17, as shown between Figs. 5 and 6.

Hullman et al. '666 also fails to disclose the structure called for in new dependent Claim 13, which calls for the abutment region to include an abutment well formed as a depression in the connecting region of the plug-in element.

For at least the foregoing reasons, Applicants respectfully submit that independent Claim 7, as well as the claims which depend therefrom, are not anticipated by Hullman et al. '666 and further, cannot be obvious in view of Hullman et al. '666.

In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Should the Examiner have any further questions, the Examiner is respectfully invited to telephone the undersigned at 260-460-1741.

Respectfully submitted,



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